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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JAY ZACHARY BARBER a.k.a.  
ZACH BARBER,  
and  
GARRETT BARBER,  
Defendants.

**ORDER GRANTING [67] MOTION FOR  
AMENDED ORDER OF FORFEITURE**

Case No. 2:17-cr-00518-DN

District Judge David Nuffer

Based on the Motion for Amended Order of Forfeiture (the “Motion”),<sup>1</sup> the declaration of Special Agent Katie Kerkhoff attached thereto,<sup>2</sup> and good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion<sup>3</sup> is GRANTED. IT IS FURTHER ORDERED that this order shall replace the previously entered order of forfeiture.<sup>4</sup>

IT IS ORDERED AS FOLLOWS:

1. As a result of a plea of guilty to Conspiracy to Defraud the United States and to Commit an Offense Against the United States (Wire Fraud in violation of 18 U.S.C. § 1343) for which the government sought forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. §

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<sup>1</sup> Motion for Amended Order of Forfeiture, [docket no. 67](#), filed December 13, 2019.

<sup>2</sup> Motion, Exhibit 1, Declaration in Support of Motion for Amended Order of Forfeiture, [docket no. 67-1](#), filed December 13, 2019.

<sup>3</sup> Order of Forfeiture, [docket no. 52](#), filed August 23, 2018.

<sup>4</sup> Amended Judgment in a Criminal Case, [docket no. 64](#), filed January 10, 2019.

2461(c) and 21 U.S.C. § 853(p), the defendants Jay Zachary Barber and Garrett Barber, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to their wire fraud scheme in violation of 18 U.S.C. § 1343.

2. It is determined that the defendant's wire fraud scheme generated \$1,324,399.00 in proceeds and that of that amount Jay Zachary Barber obtained \$403,941.70 and Garrett Barber obtained \$920,457.30. It is further determined that the respective amounts for each defendant represent the value of property unavailable for forfeiture for one or more reasons specified in 21 U.S.C. § 853(p).

2. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), and Fed. R. Crim. P. Rule 32.2(b)(1), a money judgment of \$403,941.70 is imposed against Jay Zachary Barber and a money judgment of \$920,457.30 is imposed against Garrett Barber, representing the value of the proceeds obtained by each defendant in connection with the above-referenced offense(s).

4. Under Fed. R. Crim. P. 32.2(c)(1), no ancillary proceeding to address potential third-party interest is required since this order only consists of money judgments.

5. Under Fed. R. Crim. P. 32.2(b)(4), this Order of Forfeiture is final as to both defendants since they have already been sentenced in this matter.

6. The United States may, at any time, move pursuant to Rule 32.2(e) to amend this order of forfeiture to substitute property having a value not to exceed \$403,941.70 in the case of Jay Zachary Barber and \$920,457.30 in the case of Garrett Barber to satisfy their respective money judgments in whole or in part.

7. The Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

Signed January 17, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", written over a horizontal line.

David Nuffer  
United States District Judge